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HIGH COURT OF CHHATTISGARH, BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, CJ.

Writ Petition No. 1009 of 2001

Petitioners

1. Kheer Sindhu, Son of Bailochan Sahu, aged about 55 years,
2. Indro, Son of Bailochan Sahu, aged about 45 years,
3. Chandro, Son of Bailochan Sahu, aged about 40 years,
4. Brindavan, Son of Bailochan Sahu, aged about 37 years

All are R/o Village – Atunda, Tah. & Distt. Mahasamund (C.G.)

Vs.

Respondents

1. Khageshwar, S/o Yudhishthir, aged about 32 years, R/o Village – Banobhata, Tah. & Distt. Mahasamund (C.G.)
2. Vidhyadhar, S/o Yudhishthir , aged about 28 years, R/o Village – Banobhata, Tah. & Distt. Mahasamund (C.G.)
3. The State of Chhattisgarh Through – Sub-Divisional Officer Saraipali
4. The Collector, Raipur (C.G.)
5. The Commissioner, Raipur (C.G.)

Writ Petition under Articles 226 /227 of the Constitution of India.

Present: Shri Sunil Sahu, counsel for the petitioners.

ORAL ORDER
(Passed on 26th April, 2007)

Petitioners claim that they are the owners of the lands in Khasra No. 93 Rakba 0.777 Hqtr. having purchased the same from the father of respondent No.1.

(2) The SDO has taken suo motu proceedings under Section 170B of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code'). After holding the enquiry he had passed an order reverting back the lands in question to the respondents. Aggrieved by the said order petitioners had

filed an appeal before the Collector who was the First Appellate Authority then. The Appellate Authority had also rejected the appeal filed by the petitioner. Aggrieved by the same, the petitioners had filed a revision before Revisional Authority. The Revisional Authority has rejected the revision filed by the petitioners for non-prosecution. That is how the petitioners are before this Court in this writ petition.

(3) In my opinion, the petition so filed by the petitioners cannot be entertained for the reason that, since the Revisional Authority has passed an order rejecting the revision petition for non-prosecution, the petitioners should have filed an application for restoration of the said revision petition. But in the present case, the petitioners have rushed to this Court without exercising that option that was available to them.

(4) In that view of the matter, without going into the merits and demerits of the matter, the writ petition is disposed of. The petitioners, however, are permitted to file an appropriate application before the Board of Revenue, since the post of Revisional Authority is now abolished, requesting them to recall the earlier order passed by the Revisional Authority and pass an order on merits of the case. If and when such application is filed by the petitioners before the Board of Revenue, the Board of Revenue shall secure the record and consider the application of the petitioner and pass appropriate orders in accordance with law. Ordered accordingly.

Sd/-
Chief Justice